

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-14 are pending in the present application. No claim amendments are presented, thus no new matter is added.

In the outstanding Official Action, Claims 1-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dzuban (EP 0742676) in view of Rysgaard et al. (EP 0966136, hereinafter "Rysgaard").

The undersigned appreciatively acknowledges the courtesy extended by Examiner Hashem by holding a telephone interview with the undersigned on June 29, 2005. During the interview, a description of the claimed invention was provided and arguments were presented describing that the present claims patentably define over the applied references. The substance of the interview is reflected in the arguments, as stated below.

The outstanding Official Action rejected Claims 1-14 under 35 U.S.C. § 103 as unpatentable over Dzuban in view of Rysgaard. The Official Action cites Dzuban as disclosing the Applicant's invention with the exception of the mobile station comprising a control unit. The outstanding Official Action cites Rysgaard as disclosing this claimed feature and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to arrive at the Applicant's claims. Applicant respectfully traverses this rejection as Dzuban fails to teach or suggest the features for which it is asserted as a primary reference under 35 U.S.C. § 103.

Independent Claim 1 is directed to a language selecting method in a mobile communications device including, *inter alia*, the steps of (1) adding, to a transmission request signal, language selection information for selecting a language by which information is to be received, (2) transmitting the request signal including the language selection information to

the service providing apparatus each time the mobile station starts communication, and (3) transmitting, from the service providing apparatus to the mobile station, information in the language corresponding to the language selection information.

Specifically, independent Claim 1 recites a language selection method, comprising:

... adding... language selection information ... to *a transmission request signal*;
transmitting... *the request signal including the language selection information ... each time whenever the mobile station starts communication ...*

An advantage with the claimed approach is that since the mobile station transmits language selection *each time whenever the mobile station starts communication*, there is no need for the user to call, or otherwise manually communicate with the service provider to change a language selection. Moreover, the user merely needs to select the language from a memory of the mobile station so that the language selection information can be generated and transmitted to the service providing operation *each time whenever the mobile station starts communication*. Thus, no separate dedicated communication step is required to change the language settings, and the stored settings are transmitted each time communication is requested.

Turning to the applied reference, Dzuban describes a method for using a numerical code contained in a message transmitted from a mobile device to a service provider to change the language of messages received from the service provider.¹ Specifically, in Dzuban, when the mobile device initiates service, an initiation message (USSD1), which does not include a language identifier, is transmitted from the mobile device to the service provider.² The service provider then responds to this request by transmitting a message (USSD2) to the mobile device in a default language which may, or may not, be understood by the device's

¹ Dzuban at page 1, lines 5-9.

² Id. at p. 7, lines 1-10, and Fig. 1.

user.³ If the user of the mobile device does not understand the language of the received message the subscriber transmits a message (USSD3) including a request for language translation to the service provider.⁴ The service provider then translates any subsequent messages into the requested language before they are transmitted to the mobile device.

Dzuban, however, fails to teach or suggest adding language selection information to *a transmission request signal* and transmitting the request signal including the language selection information *each time whenever the mobile station starts communication*, as recited in independent Claim 1.

As depicted in Fig. 1, Dzuban describes that services are requested by transmitting the USSD1 message, which does not include language selection information, from the mobile device to the service provider. Instead, as discussed above, the language selection information is included in the USSD3 message, which is not transmitted until *after* communications is established and the user receives a USSD2 message in a language that the user does not understand. Therefore, in Dzuban, the language selection information is not provided in the *transmission request signal*, as recited in Claim 1.

Further, the language selection information is not transmitted by the mobile device in Dzuban at any point in the communication session unless the user decides to modify the language of the messages transmitted from the service provider. Therefore, not only is the language selection information not provided in the *transmission request signal*, but the language selection information is not transmitted *each time whenever the mobile station starts communication*, as recited in independent Claim 1. Instead, the language selection information (included in the USSD3 message) in Dzuban is only transmitted *after* the user receives a communication from the service provider (after communications is established) and decides to “launch” a message requesting that the language of the messages be modified.

³ Id. at page 7, lines 15-27.

⁴ Id. at p. 7, line 27-p. 8, line 20.

Accordingly, Applicants respectfully submit that Dzuban fails to teach or suggest the claim limitations for which it is asserted as a primary reference under 35 U.S.C. § 103.

Likewise, Rysgaard fails to remedy the above-noted deficiencies of Dzuban and therefore, none of the cited references, either alone nor in combination, teach or suggest Applicant's Claims 1-14 which include the above-distinguished features by virtue of independent recitation or dependency. Therefore, the Official Action does not provide a *prima facie* case of obviousness with regard to any of these claims.

Accordingly, Applicant respectfully requests the rejection of Claims 1-14 under 35 U.S.C. § 103 be withdrawn.


Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-14 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number+
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

BDL:ATH\la

I:\ATTY\ATH\PROSECUTION\21'S\219272US\219272US-AM.DOC